

Application No. 09/552,887
Amendment Dated July 25, 2003
Reply to Office Action of April 16, 2003

REMARKS/ARGUMENTS

By this Amendment, claim 16 is canceled, claims 1, 13, 17 and 24 are amended and claim 32 is added. Claims 1-32 are pending subsequent to the present amendment.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

REJECTION UNDER 35 U.S.C. § 103:

The Examiner first rejected claims 1 and 4-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,902,983 (Crevelt et al.) in view of U.S. Patent Publication No. 20001/0011680 A1 (Soltesz et al.). The rejection of claims 1 and 4-31 is traversed for the reasons asserted below.

With respect to claims 1, 17 and 24, the Examiner stated that Crevelt teaches a substantial portion of the invention, but does not disclose kiosks and providing a biometric registration apparatus having at least one registration biometric input means and player logoff means. The Examiner goes on to state that Soltesz discloses a self service kiosk, providing a biometric registration apparatus having at least one registration biometric input means, and player logoff means. The Examiner states that it would have been obvious to modify the disclosure of Crevelt to include biometric input means, as taught by Soltesz, to secure the player fund and credit card from unauthorized use.

Application No. 09/552,887
Amendment Dated July 25, 2003
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Independent claims 1, 17 and 24 have each been amended to include limitations directed to a tokenless system and that the system is not associated with a financial institution, such as a bank. Each of claims 1, 17 and 24 is amended to include a limitation that the central data repository not store biometric data that is associated with personal data related to the player (such as bank account numbers and the like) other than the biometric data. Additionally, each of claims 1, 17 and 24 are amended to include a limitation that the unique player's account is not capable of access via electronic funds transfer through a financial institution.

Based on the claims, as amended, even if the disclosure of Crevelt is modified to include biometric input means as taught by Soltesz, the present invention is clearly not taught or suggested. Crevelt teaches a gaming machine that accesses an electronic funds transfer (EFT) system. In Crevelt, the player inserts his or her ATM card, keys in a personal identification number (PIN), requests credits for play on gaming machines, and receives a preset amount of credits which can be converted to plays on a gaming machine. Since this patent deals with withdrawing funds, via EFT, from a player's account, such as a bank account, the crux of this patent is to set a limit to the preset amount of credits available for a player such that a cashless system is provided that "protects against rash decisions by some players to divert a large amount of their savings to gaming." '983 Patent at col. 2, lines 27-28.

The present invention does not provide access to player's bank account or credit card accounts that could allow players to divert large amounts of their savings into gaming. In fact, the present invention provides for a player to be entirely anonymous. Crevelt teaches away from the

Application No. 09/552,887
Amendment Dated July 25, 2003
Reply to Office Action of April 16, 2003

anonymity of a player. In Crevelt, privacy of players is entirely eliminated in that actual credit card or bank account information is required, including access to, for example, social security numbers, home addresses, credit reports, and the like. In the present invention, while one aspect of personal information is required, *i.e.*, the biometric data, this data is not be associated with personal data of a user, other than the account established under that biometric data. For example, if the biometric input used in a gaming system network is an eye scan, this data is not associated with other accounts of the users, such as bank accounts and credit card accounts (that are accessible via standard EFT as is well known). The present system does not collect such data. As stated in Crevelt at col 7, lines 51-56, EFT is described as follows:

As is known to those of skill in the art, EFT hosts are typically mainframe computers which route electronic funds transfer requests and authorization between various sales or services establishments (a casino in this instance) and remote funds depositories such [as] banks or credit unions.

Claim 1, as amended, now includes the language "but not associating the unique biometric data with other personal data related to the player." Crevelt teaches away from this claim limitation. Crevelt, alone or in combination with Soltesz, does not teach the present invention, as claimed in the amended claims. Moreover, while Soltesz teaches use of biometrics, it explicitly requires use of a "token" in the form of a "portable storage device" such as an optical card. The present invention operates entirely tokenless. While the preambles of most of the independent claims used the term "tokenless" as a limitation, three independent claims have also be amended to include this term as a limitation with respect to the biometric registration apparatus in paragraphs (a).

Application No. 09/552,887
Amendment Dated July 25, 2003
Reply to Office Action of April 16, 2003

Dependent claim 13 is amended to be in independent form. An important aspect of claim 13 that is not taught by Crevelt, alone or in combination with Soltesz, is the limitation that the unique biometric data and the unique player's account are purged from the central computer after the step of paying the player any money remaining in said player's account, to provide for privacy of the player. Crevelt teaches away from such a limitation in that it is directed to EFT transactions which require that data related to the unique player's account is retained such that transfer of funds can be accomplished. Claim 13 is therefore believed to be allowable over the prior art of record. Citing column 7, lines 52 to column 9, line 29 of Crevelt, the Examiner indicates that this limitation (purging of the data) is taught by Crevelt. The Examiner is incorrect. Crevelt, in fact, does not teach this limitation. The applicant respectfully requests that the Examiner point to a more specific location that the Examiner believes to teach this limitation. Claim 13 also includes a limitation that the system is tokenless.

Since all of the independent claims (claims 1, 13, 17 and 24), as amended, of the present application are believed to be allowable over the prior art of record, it is respectfully requested that the Examiner withdraw the rejection and pass all of claims 1-31 to allowance.

Claim 16 is cancelled by the present application.

With respect to claims 2 and 3, the Examiner states that neither Crevelt nor Soltesz disclose providing a plurality of player logoff means including providing a player proximity sensor. The Examiner states that it is well known in that gambling machines have reset buttons. The Examiner goes on to state that Theimer discloses a logoff means that includes a logoff proximity sensor.

Application No. 09/552,887
Amendment Dated July 25, 2003
Reply to Office Action of April 16, 2003

Neither Crevelt, Soltesz, nor Theimer, alone or in combination, teach the use of a logoff proximity sensor for use on a casino gaming apparatus. Since no card or other object is used in the gaming systems of the present invention, it is important that the user properly log off, otherwise, if other provision is not made, if a player stops playing, another player may obtain unauthorized access. This is not a critical issue in cashless systems where cards or other tokens are used because it is far less likely that a player will walk away from a machine without taking his or her card. However, in a cashless/tokenless system, it is particularly important that a proper logoff occur. Crevelt is not a tokenless system and therefore having a proximity sensor is not necessary. Soltesz is also not a tokenless system. It merely teaches a self-service kiosk that includes a biometric data input and a reader for recovering biometrics data stored on a portable storage device (such as a card). These patents, alone or in combination with Theimer clearly do not teach or suggest the present invention. Claims 2 and 3 are clearly allowable over the prior art of record.

As indicated by the Federal Circuit,

[i]n proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. The Examiner can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

In re Fritch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992) citing In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

As indicated, there is no “objective teaching” that any of the prior art cited by the Examiner teaches or suggests the combination of a method for cashless and tokenless access to a plurality of

Application No. 09/552,887
Amendment Dated July 25, 2003
Reply to Office Action of April 16, 2003

casino gaming apparatus that includes, among other things, the combination of a tokenless biometric registration apparatus and storing unique biometric data created by the biometric input means in the central data repository.

The Federal Circuit went on to state:

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.... Here the Examiner relied upon hindsight to arrive at the determination of obviousness. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

Fritch at 1784-85, citing *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

Here, the Examiner clearly used impermissible hindsight to piece together the teachings of Crevelt, Soltesz and Theimer to arrive at the combination of cashless and tokenless access to a plurality of casino gaming apparatus that includes providing a tokenless biometric registration apparatus and storing unique biometric data created by the biometric input means in the central data repository, but not associating the unique biometric data with other personal data related to the player.

Finally, claim 32 is added by the present invention. Claim 32 is identical to claim 1, as originally filed, but includes providing a "tokenless" biometric registration apparatus in paragraph (a). Neither Crevelt, Soltesz, nor Theimer, alone or in combination teach, a system with the limitations set forth, particularly, a tokenless system. Crevelt has no mention of biometrics or other

Application No. 09/552,887
Amendment Dated July 25, 2003
Reply to Office Action of April 16, 2003

tokenless system whatsoever. Similarly, Soltesz requires a "portable storage device" such as a card. Here, the biometric data is stored on a card held by a user. Theimer is entirely unrelated. A crucial aspect of the present application is that it operate merely with the use of the biometric data. It is respectfully requested that the Examiner pass claim 32 to allowance.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

The remaining references cited by the Examiner, but not specifically relied upon in the rejections are considered by applicants to be less relevant than those specifically cited and relied upon.

CONSIDERATION OF INFORMATION DISCLOSURE STATEMENT:

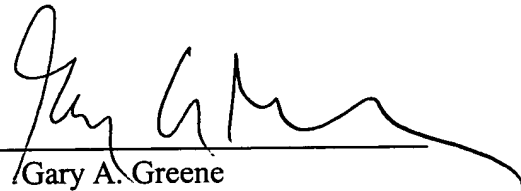
It is noted that the Examiner did not consider the Information Disclosure Statements filed on June 20, 2001 (and received by the Patent Office on June 25, 2001, based on a stamped returned postcard) and on July 7, 2000 (and received by the Patent Office on July 11, 2000, based on a stamped returned postcard). Applicant requests that the Examiner consider these two information disclosure statements. A copy of the two Statements, including a copy of the return receipt postcards and copies of the documents cited in the Statements are enclosed for the Examiner's reference.

Application No. 09/552,887
Amendment Dated July 25, 2003
Reply to Office Action of April 16, 2003

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.